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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1962

No. ~~809~~ 71

FEDERAL POWER COMMISSION,
Petitioner,

v.

SOUTHERN CALIFORNIA EDISON COMPANY AND PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
Respondents.

No. 822

CITY OF COLTON, CALIFORNIA,
Petitioner,

v.

SOUTHERN CALIFORNIA EDISON COMPANY AND PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
Respondents.

REPLY OF CITY OF COLTON TO BRIEFS IN OPPOSITION

Neither brief in opposition suggests that the decision below is distinguishable from *Wisconsin* v. *Federal Power Commission*, 201 F. 2d 183 (C.A. D.C., 1952), *cert. denied*, 345 U.S. 934 (1953), where a contrary result was reached (P.U.C. Br. p. 12; Edison Br. pp. 10-11). Both briefs merely urge that the District of Columbia Circuit was

wrong. As a result conflict is acknowledged; certiorari must be granted.

But we renew our suggestion that a summary reversal of the decision below is in order because of the conflict with the decision of this Court in *Illinois Natural Gas Co. v. Central Illinois Pub. Serv. Co.*, 314 U.S. 498 (1942). Both briefs in opposition make an erroneous statement of fact that that case involved accounting and securities and not sales at wholesale (Edison, p. 9-10; P.U.C., p. 10). The case did not involve either accounting or securities but depended squarely on the Federal Power Commission's jurisdiction over sales at wholesale, which jurisdiction precluded the exercise of state jurisdiction to require an extension of a pipeline. Thus, the decision below is in flat conflict with a controlling decision of this Court—a holding repeatedly echoed in the numerous opinions cited in the F.P.C. petition in No. 808. As a result, the decision below should be summarily reversed upon the granting of the writ.

Respectfully submitted,

JOHN W. CRAGUN,
1616 H Street, N.W.,
Washington 6, D.C.
REUBEN GOLDBERG,
1730 K Street, N.W.,
Washington 6, D.C.,
Counsel for Petitioner,
City of Colton.

WILKINSON, CRAGUN & BARKER,
ANGELO A. IADAROLA,
Of Counsel.